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Hon. David Welch, Chair
House Criminal Justice &
Public Safety Committee
Legislative Office Building, Room 204
Concord, NH 03301

Re: HB 1692 - New Hampshire Sexual Predators Act

Dear Chairman Welch:

We are writing to address the subcommittee report on HB 1692. While recognizing the significant time and energy that the subcommittee devoted to that report, we urge the full committee to reject its recommendation to delete from the bill the mandatory minimum sentencing provision for predators who assault children under age 13.

Those predators who sexually assault children are among the most dangerous criminal offenders in New Hampshire. These offenders target the most vulnerable segment of our society -- young children who are unable to protect themselves. They also pose an ongoing threat. Indeed, as found in a 2004 study by the University of Toronto, the likelihood of recidivism increases the longer an offender has been back in the community after incarceration.

Under current law, such an offender can be sentenced to a maximum of 10 - 20 years imprisonment, a sentence rarely imposed by our courts. For these offenders, we strongly believe that current law fails to provide adequate protection to the public. HB 1692, as introduced, provides the prosecutors with a tool to ensure that in the most serious cases, a mandatory minimum 25-year sentence would be imposed upon conviction. It also provides appropriate discretion for prosecutors to bypass the mandatory minimum sentencing provisions in those circumstances where the best interests of the victim warrants it.


The current sentencing provisions for causing a permanent brain injury to a child are similarly lacking. At most, an assault of a minor that leaves the child brain dead will result in a 10 - 30 year sentence, regardless of whether the assault involved one reckless act or an episode of severe beating. Such a sentence simply does not reflect the extent and severity of the act in

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those most egregious cases. HB 1692 would allow the prosecutor to seek a mandatory minimum 25-year sentence in those circumstances.

The sentencing provisions of HB 1692 were carefully drafted to balance the need for discretion in the sentencing of offenders with the need to protect the public against the most serious offenders who target vulnerable children. We urge you to re-insert the mandatory language on page 12, lines 6 and 8, and thereby ensure that the public will be adequately protected.

Sincerely,



John H. Lynch
Governor



Kelly A. Ayotte
Attorney General